

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/749,752

REMARKS

Claims 7, 8, 10, 11 and 18-21 are all the claims pending in the application, including new claims 18-21 added by the present Amendment.

In the Advisory Action dated October 22, 2003, the Examiner indicated that the arguments presented in the Response filed September 22, 2003 were convincing with respect to the rejection of claims 6-15 over the Noblett reference. Thus, the Response was effective in overcoming this rejection. Subsequently, claims 8 and 11 were rewritten in independent form by the Supplemental Amendment filed November 20, 2003 to place claims 7, 8, 10 and 11 in form for allowance. Claims 6, 9, and 12-17 were canceled by the Supplemental Amendment. In the interview conducted November 18, 2003, the Examiner confirmed that the claims were allowable.

However, as noted in the Interview Summary attached to the current Office Action, the Examiner and her supervisor believe that the language of the last element of claim 8 imparts no structural limitations on the claim. Thus, the Examiner has reinstated the previous claim rejections. In particular, claims 7-8 and 10-11 have been rejected as being anticipated by Zeleny, Noblett and Perttunen.

The claim rejections are essentially the same as the previous rejections, except that the Examiner has added a discussion of the portion of claim 8, which recites that the management information is printed on the test piece using a marker the same as or similar to the marker used for marking the target substance. See pages 4-5 of the Office Action. As noted in the Advisory Action, the Examiner does not believe that this feature of claim 8 adds any additional limitations to the claims.

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By the present Amendment, Applicant amends claims 8 and 11 to incorporate the limitations of the last two lines of the claims into the “means for attaching” limitation. Applicant submits that none of the applied references teach or suggest this feature of the claims. The Examiner does not assert that any of the applied references teach or suggest this feature. Instead, the Examiner argues that this feature does not impart any additional limitations on the claims. However, Applicant submits that the feature of the claims of using a marker the same as or similar to the marker used for marking the target substance further defines the function of the means for attaching, and thus has patentable weight. Since the prior art fails to teach or suggest a means for attaching management information peculiar to the test piece to a predetermined location on the test piece using a marker the same as or similar to the marker used for marking the target substance, claims 8 and 11 and their respective dependent claims 7 and 10 are not anticipated by the applied references.

In view of the non-final status of the rejection, Applicant reinstates the subject matter of prior pending claims 12-13 and 16-17 to the application as new claims 18-21. The art of record does not include the management information as claimed. Thus, claims 18-21 are allowable for at least this reason.

Also, Applicant submits that the claims are allowable over the prior art for the additional reasons discussed in the Response filed September 22, 2003 in relation to obtaining position information and simultaneously detecting management information.

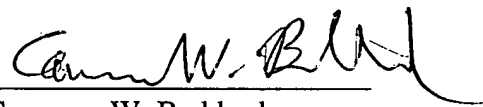
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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